

RESOLUTION No. 2007-01-508-Z-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF AUBREY JOHNSON FOR A NON-USE VARIANCE OF SETBACK REQUIREMENTS TO PERMIT A PROPOSED PATIO ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE TO HAVE A REAR SETBACK OF 15 FEET FROM THE SOUTH PROPERTY LINE (MINIMUM 25 FEET REQUIRED); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Aubrey Johnson has applied for a non-use variance, related to property located at 12 NE 206th Terrace, in the City of Miami Gardens, and

WHEREAS, the applicant is seeking a special exception to the setback requirements to permit a proposed patio addition to an existing single-family residence to be spaced less than 25 feet from the rear setback, and

WHEREAS, the City Staff has reviewed the application and is recommending approval of the applicant's application, and

WHEREAS, the City Council has reviewed the Staff report, and

WHEREAS, the City Council held a public hearing on this request on January 3, 2007,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. APPROVAL: The City Council of the City of Miami Gardens hereby approves the application submitted by Aubrey Johnson for a non-use variance of

setback requirements to permit a proposed patio addition to an existing single-family residence to have a rear setback of 15 feet from the south property line (minimum 25 feet required).

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JANUARY 3, 2006.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: JAY MARDER, DEVELOPMENT SERVICES DIRECTOR

MOVED BY: Councilwoman Watson
SECONDED BY: Councilman Campbell

VOTE: 5-0

| | | |
|-------------------------------|----------------|----------------------|
| Mayor Shirley Gibson | <u>x</u> (Yes) | ___ (No) |
| Vice Mayor Oscar Braynon, II | ___ (Yes) | ___ (No) Not present |
| Councilman Melvin L. Bratton | ___ (Yes) | ___ (No) Not present |
| Councilman Aaron Campbell | <u>x</u> (Yes) | ___ (No) |
| Councilman André Williams | <u>x</u> (Yes) | ___ (No) |
| Councilwoman Sharon Pritchett | <u>x</u> (Yes) | ___ (No) |
| Councilwoman Barbara Watson | <u>x</u> (Yes) | ___ (No) |



City of Miami Gardens

1515 NW 167th Street, Bldg 5, Suite 200
Miami Gardens, Florida 33169

Mayor Shirley Gibson
Vice Mayor Oscar Braynon II
Councilman Melvin L. Bratton
Councilman Aaron Campbell
Councilman André Williams
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

MEMORANDUM

To: The Honorable Mayor and City Council Members
From: Jay Marder, AICP, Development Services Director
Thru: Dr. Danny O. Crew, City Manager
Date: January 3, 2007
Re: ZPH-2006-31: Public Hearing for Aubrey Johnson regarding a Non-Use Variance of Rear Setback Requirements

Summary

Applicant: Aubrey Johnson
Location: 12 N.E. 206th Terrace
Land Area: 7,500 Square Feet
Future Land Use: Low Density Residential
Existing Zoning: RU-1, Single-Family Residential District
Requested Action(s):

1. NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit a proposed patio addition to an existing single-family residence to have a rear setback of 15 feet from the south property line (minimum 25 feet required).

Recommendation

Approve a resolution granting the Applicant's request for a non-use variance of setback requirements to permit a proposed patio addition with a 15-foot rear setback based on findings contained herein and generally summarized as follows:

- The Applicant's non-use variance request to permit the proposed patio addition to his single-family residence does not change the use of the property. This request does not change policies of the CDMP and is consistent with same;
- The Applicant's non-use variance request to permit the proposed patio addition to his single-family residence maintains the basic intent and purpose of the Zoning Code and is otherwise compatible with the surrounding single-family residences.

**9-A) RESOLUTION
AUBREY JOHNSON
NON-USE VARIANCE**

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

| Property | Zoning | Existing Use | Future Land Use |
|----------|------------------------------|------------------------|-------------------------|
| Site | RU-1, Single-Family District | Single-Family Dwelling | Low Density Residential |
| North | RU-1, Single-Family District | Single-Family Dwelling | Low Density Residential |
| South | RU-1, Single-Family District | Single-Family Dwelling | Low Density Residential |
| East | RU-1, Single-Family District | Single-Family Dwelling | Low Density Residential |
| West | RU-1, Single-Family District | Single-Family Dwelling | Low Density Residential |

The subject property is located at the southeast corner of North Miami Avenue and N.W. 206th Terrace. The surrounding properties have all been developed with single-family homes (See Aerial, attached).

Consistency with Comprehensive Development Master Plan

The site is designated Low Density Residential on the Future Land Use Plan Map 2005-2015 of the Future Land Use Element of the Comprehensive Development Master Plan (CDMP). The requested setback variance does not change the use of the property as a single-family home. Therefore, the proposal (a) does not impact policies of the CDMP and (b) is consistent with the CDMP.

Additional Analysis and Criteria

Pursuant to the attached plans, the Applicant, Mr. Aubrey Johnson, proposes to expand his existing single-family residence by adding a covered patio. Said improvement, which comprises, 626.72 square feet, will include a 7.50' X 7.50' spa and provide for additional living space. To do so, the Applicant seeks approval for a non-use variance of setback requirements to permit the proposed expansion to encroach approximately 10.00' on the rear setback, more specifically to provide a setback of 15.00' instead of the 25.00' required by Code.

Under the Zoning Code, Section 33-311(A)(4)(b) Non-Use Variance Criteria was considered for review of the Applicant's proposal because, by definition, "non-use variances involve matters such as setback lines, frontage requirements, subdivision regulations, height limitations, lot size restrictions, yard requirements and other variances which have no relation to change the use of the property in question." The City Council may grant a non-use variance upon a showing that:

- The non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and;
- The non-use variance will be otherwise compatible with the surrounding land uses, and would not be detrimental to the community, and;
- That the non-use variance has no relation to change of use of the property in question.

The non-use variance of rear setback requirements will allow the applicant to add a proposed covered patio to his existing single-family residence. The requested non-use variance of rear setback requirements will allow for an encroachment of ten (10) feet into the rear setback. The proposed 622.72-square foot addition runs approximately two-third the length of the existing residence and is open on three (3) sides. As such, the resulting encroachment on the rear setback will not represent an intrusion on the southerly property that the existing fence surrounding the property cannot otherwise mitigate. Additionally, the proposed patio is designed and arranged on the site in a way that minimizes aural and visual impact on the adjacent residences while providing the applicant a reasonable use of the land. Consequently, the applicant's request for a non-use variance of rear setback requirements maintains the basic intent and purpose of the Code and is, pursuant to Section 33-311(A)(4)(b), recommended for approval.

Anticipated Facilities Impact

The subject application pertains to an existing single-family residence and, as such, will not create additional impact upon the existing urban services and facilities.

Public Notification/Comments

In accordance with Subsections (c)(1), (2) and (3), Subsections (d)(40 of Section 33-310, notification of the applicant's requests was mailed to property owners within five-hundred (500) feet of the subject site to provide them an opportunity to comment on the application if they so choose. No comments were received from property owners within that radius. (See Mailed Notice Radius Map, attached).

This recommendation to approve this application does not constitute a final development order.

Attachments: Public Hearing Checklist
Letter of Intent
Hearing Map- Zoning
Hearing Map- Aerial
Mailed Notice Affidavit
Mailed Notice Radius Map
Site Plan
Miami Gardens Proposed Resolution

PUBLIC HEARING CHECKLIST



The City Of Miami Gardens

Development Services

Public Hearing Departmental Checklist

APPLICATION INFORMATION

Applicant Name: Aubrey Johnson

Project Name: Aubrey Johnson

Project Location: 12 NE 206th Terrace

Process Number: ZPH-2006-31

Public Hearing Scheduled Date: Jan. 3, 2007

Public Hearing Representative:

Registered Lobbyist: ☐ NO ☐ YES If not, explain:

APPLICANT'S REQUEST

☐ District Boundary Change ☐ Use Variance ☒ Non-Use Variance ☐ Unusual Use ☐ Special Exception

☐ Small-Scale Amendment ☐ Modification of Resolution ☐ Modification of Declaration or Covenant

DEPARTMENT REVIEW

Departmental procedures prior to public hearing

Mandatory

☒ Completed Application

☒ Letter of Intent

☒ Legal Description (electronic)

☒ Fees Collected

☒ 2 Sets of Original Plans

☒ 1 set of 8½ x 11 of Plans

☒ Digital copies of plans

☒ Survey

☒ Site Plan Review

1. Electronic Plans (pdf & dwg)

2. Site Plan

3. Floor Plan

4. Elevation Plan

5. Landscape Plan

6. Survey

7. Architectural Renderings

If applicable

☐ School Checklist

☐ School Board Report

☐ Traffic Study

☐ Economic Impact Analysis

☐ Environmental Impact Statement

☐ Neighborhood Outreach

☐ Proffered Community Amenities

☐ Liquor Survey

ADMINISTRATIVE ACTIONS

- | | | |
|---|--|--|
| <input type="checkbox"/> DIC Meeting (if applicable) | <input checked="" type="checkbox"/> Preliminary Notice | <input checked="" type="checkbox"/> Posting Signs (Public Works) |
| <input checked="" type="checkbox"/> Radius Map | <input checked="" type="checkbox"/> Final Notice | <input checked="" type="checkbox"/> Staff Recommendation |
| <input checked="" type="checkbox"/> Zoning Map | <input checked="" type="checkbox"/> Layman's Notice | <input type="checkbox"/> Notify Applicant |
| <input checked="" type="checkbox"/> Aerial Map | <input checked="" type="checkbox"/> Full Legal Advertisement | <input type="checkbox"/> Proposed Resolution or Ordinance |
| <input checked="" type="checkbox"/> Site Visit Date. <u>12/8/06</u> | | |
| By. <u>Nixon Lebrun</u> | | |

RECOMMENDATION OUTLINE

1. Summary

2. City Council Action – (2nd reading)

3. Recommendation

4. Review and Analysis

- Neighborhood Land Use Characteristics
- Land Use Analysis (consistency with CDMP)
- Zoning Analysis (compliance with zoning code)
- Concurrency Analysis (water & sewer, traffic, schools and/or drainage/irrigation)
- Code Enforcement Violation Notice
 - ☐ Yes (attached)
 - ☒ No

5. Attachments

- ☐ Letter of Intent
- ☐ Zoning Map
- ☐ Aerial Map
- ☐ Radius Map
- ☐ Plans
- ☐ School Board Report (if any)
- ☐ Traffic Study (if any)
- ☐ Economic Analysis (if any)
- ☐ Environmental Impact Statement (if any)
- ☐ Historical Information - (if any)
 - Declaration of Restriction
 - Unity of Title
 - Resolution
- ☐ Proposed Resolution or Ordinance
- ☐ Proffered Declaration of Restrictions

ZONING AGENDA DECISION

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

LETTER OF INTENT

To: Dept Planning & zoning

From: Audrey Johnson

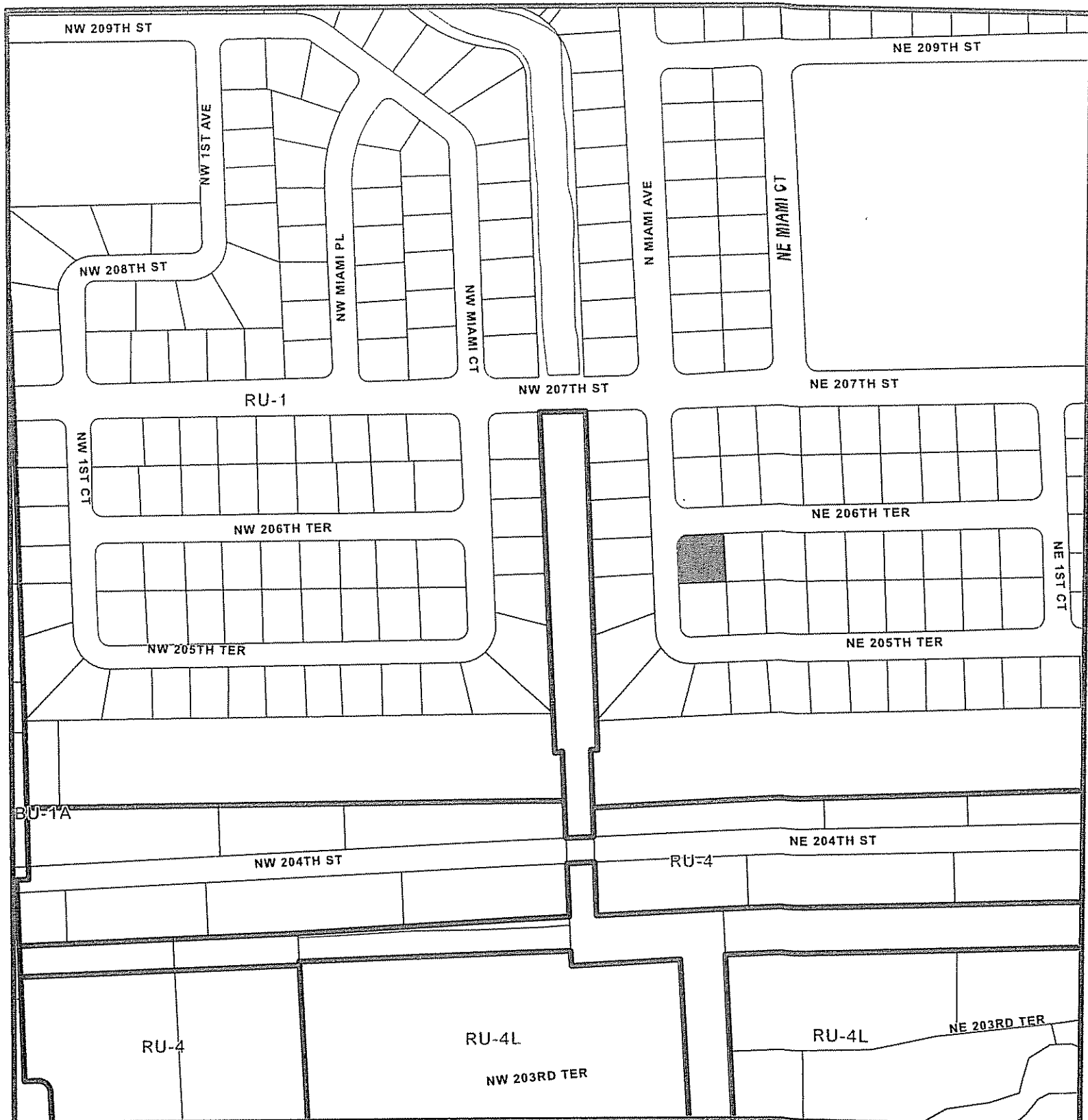
12 NC 206 TRSR

MIR. GORDON F/L 33173

I am REQUESTING A SET BACK Requirements,
TO PERMIT A REAR SET BACK OF 15 FT.
THIS AREA WILL SERVE AS A PATIO FOR
MY FAMILY, WHICH ALLOW ADDITIONAL
LIVING SPACES TO OUR HOME.



HEARING MAP-ZONING



HEARING MAP: ZONING

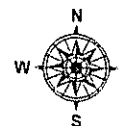


City of Miami Gardens
Development Services Department
Planning & Zoning Division

Subject Property Zoning: RU-1

Applicant [Folio: 34-1136-011-0770]
Aubrey Johnson [Lot Size: 7,500 sq. ft.]

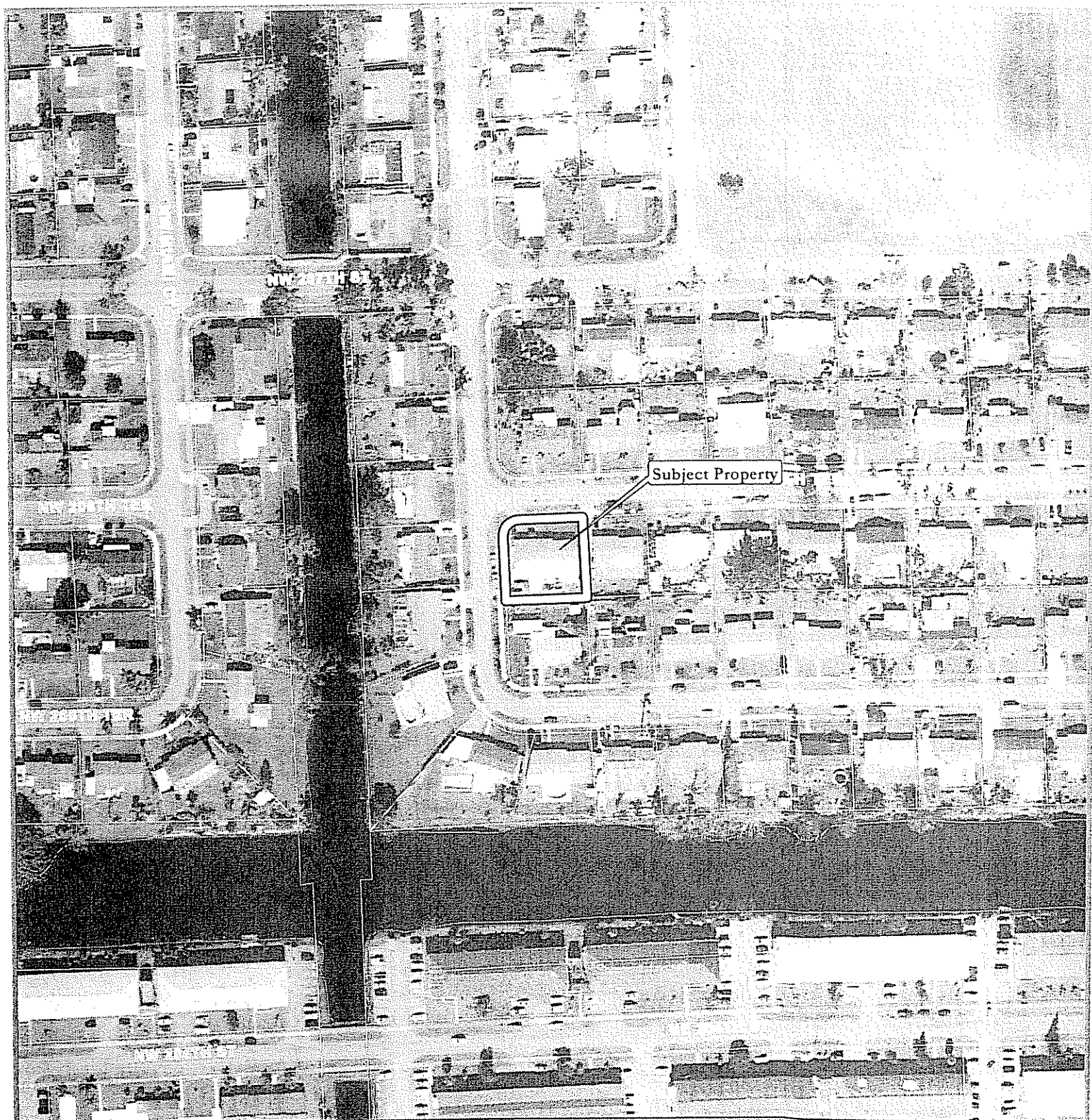
Project Location:
12 NE 206 TERR
Miami Gardens, FL 33179



1 inch equals 250 feet

December 2006


HEARING MAP-AERIAL



HEARING MAP: AERIAL

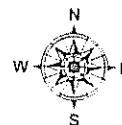


City of Miami Gardens
Development Services Department
Planning & Zoning Division

 Subject Property

Applicant [Folio: 34-1136-011-0770]
Aubrey Johnson [Lot Size: 7,500 sq. ft.]

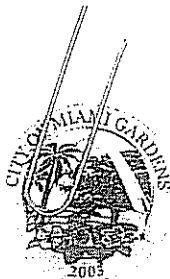
Project Location:
12 NE 206 TERR
Miami Gardens, FL 33179



1 inch equals 150 feet

December 2006

MAILED NOTICE AFFIDAVIT



The City of Miami Gardens

Development Services Department

AFFIDAVIT FOR MAILING OF FINAL NOTICES

Re: Hearing No.: ZPH-2006-31

Applicant Name: Aubrey Johnson

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

☒ 500'

☐ ½ mile

☐ 1 mile

minimum radius of the property described in the above-referenced file has been input into the computer system prior to the deadline for the mailing of notices.

Signature: _____

Casli Jean
(Casli Jean, GIS Analyst)

Date: _____

12/17/06

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were emailed and/or otherwise delivered to **Post-It Inc. 1480 NE 129th Street North Miami, FL. 33161** info@postitinc.com for postmarking and mailing.

Signature: _____

Marilyn Nava
(Marilyn Nava, Zoning Technician)

Date: _____

12/11/06

I, as the undersigned individual, do hereby affirm that on the date referenced below, a notice for the aforementioned file was received from and postmarked date: 12/11/06 through the US Postal Service.

Signature: _____

Nixon Lebrun
(Nixon Lebrun, Planner)

Date: _____

12/12/06

MAILED NOTICE RADIUS MAP



MAILED NOTICE RADIUS MAP

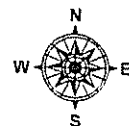


City of Miami Gardens
Development Services Department
Planning & Zoning Division

☐ Subject Property

Applicant [Folio: 34-1136-011-0770]
Aubrey Johnson [Lot Size: 7,500 sq. ft.]

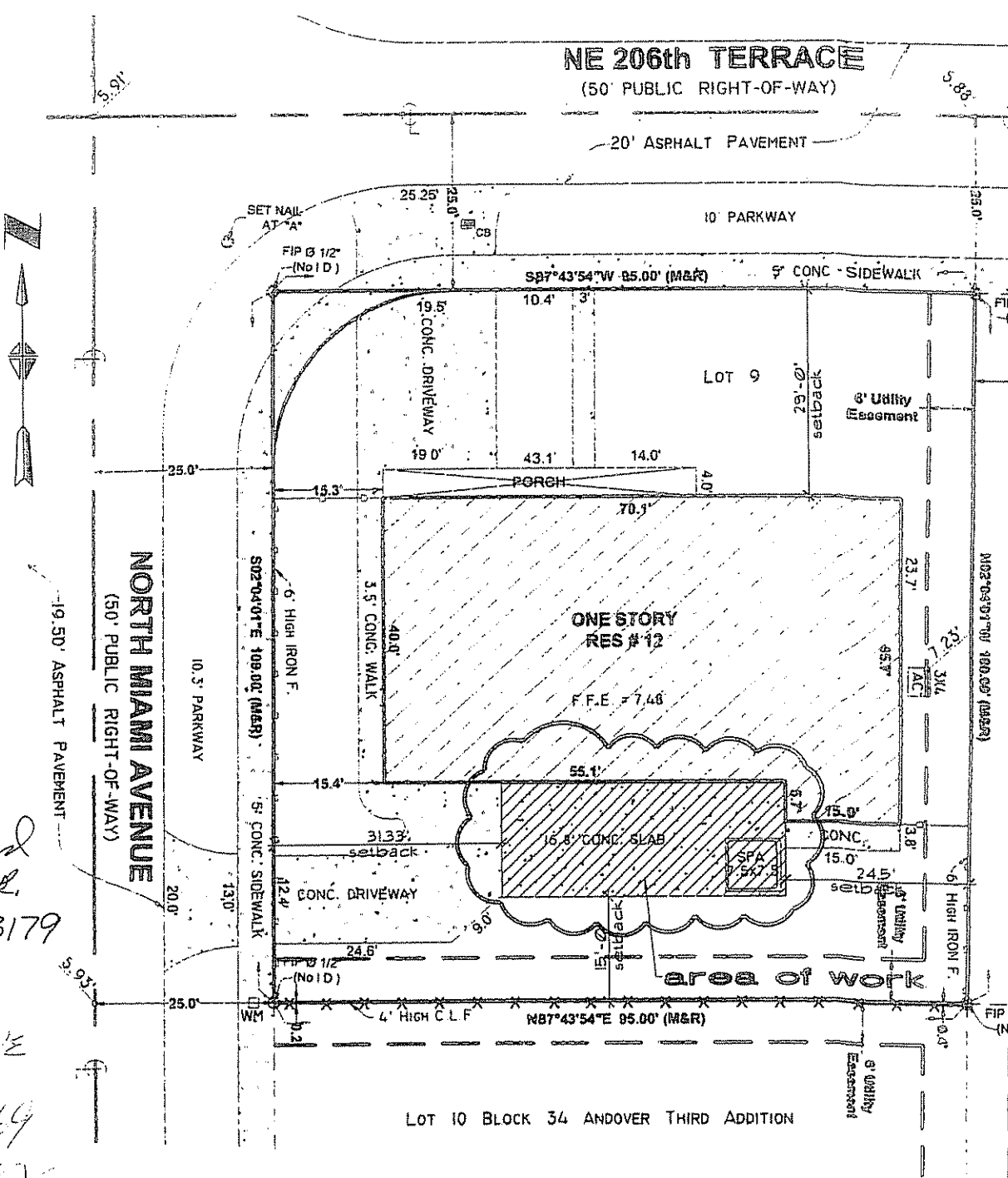
Project Location:
12 NE 206 TERR
Miami Gardens, FL 33179



1 inch equals 200 feet

December 2006

SITE PLAN



SITE PLAN

SCALE: 1" = 20'

LEGAL DESCRIPTION

2 regd
PL
33179
H/E
1169
6/12

K
E GROUND HAS BEEN
BEEN OBSERVED AND

MIAMI GARDENS PROPOSED RESOLUTION